

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION**

FRANCISCAN ALLIANCE, INC., *et al.*,

Plaintiffs,

v.

SYLVIA BURWELL, Secretary of the
United States Department of Health
and Human Services, *et al.*,

Defendants.

No. 7:16-cv-00108

**DEFENDANTS' CONSENT MOTION FOR EXPANDED PAGE LIMIT FOR
OPPOSITION TO PLAINTIFFS' PRELIMINARY INJUNCTION MOTIONS,
AND FOR EXTENSION OF TIME TO RESPOND TO THE COMPLAINT**

Defendants respectfully request that the Court (1) grant them leave to file a brief in response to Plaintiffs' motions for preliminary injunction up to the length of the briefs that Plaintiffs have filed in support of their motions so far, and (2) grant Defendants an extension of their deadline to file an answer or other response to the operative complaint until after the Court rules on Plaintiffs' preliminary injunction motions. Plaintiffs consent to Defendants' requests.

1. Plaintiffs have filed three briefs, totaling 82 pages, in support of their two motions for preliminary injunction. *See* ECF Nos. 23, 25, 37. Defendants' responses to Plaintiffs' motions are due November 23, 2016. *See* Order at 7 (Nov. 1, 2016), ECF No. 32. Defendants request leave to file a single opposition brief up to 82 pages in length in order to fairly and efficiently address Plaintiffs' arguments, and also to address this Court's jurisdiction. *Cf. id.* at 5 (noting that briefing on jurisdiction "would aid the Court").

2. Defendants' present deadline to file an answer or other response to the operative complaint is November 25, 2016. Owing to the obligations of counsel in preparing Defendants' response to Plaintiffs' preliminary injunction motions, and in light of the intervening Thanksgiving holiday, Defendants respectfully seek an extension of their deadline to answer or otherwise respond. Most importantly, Defendants respectfully submit that it would make the most efficient use of the parties' and the Court's resources if Defendants have sufficient opportunity to consider the Court's ruling on the pending preliminary injunction motions before filing an answer or other response to Plaintiffs' complaint. Accordingly, Defendants request an extension of their deadline until the later of January 19, 2017, or 25 days after the Court issues its ruling on Plaintiffs' preliminary injunction motions.

Dated: November 15, 2016

Respectfully Submitted,

BENJAMIN C. MIZER
Principal Deputy Assistant Attorney
General

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Director, Federal Programs Branch

SHEILA M. LIEBER
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/s/ Adam Grogg
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Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on November 15, 2016, I electronically filed a copy of the foregoing. Notice of this filing will be sent via email to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's CM/ECF System.

/s/ Adam Grogg
ADAM GROGG

CERTIFICATE OF CONFERENCE

From November 10-14, 2016, counsel for Defendants conferred with Austin R. Nimocks and Luke Goodrich, counsel for Plaintiffs, via e-mail and telephone regarding the relief requested in Defendants' motion, and counsel for Plaintiffs indicated that Plaintiffs consent.

/s/ Adam Grogg
ADAM GROGG